IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6407 OF 2005

Shri Hanmantrao Bandoji Pawar ..Petitioner.

Versus

1. Rev. Vasant S. Kamble & Ors. ..Respondents.

Mr. P.S. Dani for the Petitioner.
Mr. K.S. Patil for Vinod Shah for the Respondent Nos. 2 to 5.
Mr. A.H. Palekar, AGP for the Respondent No.6 & 9.

CORAM : S. A. BOBDE, J.
DATED : 26TH OCTOBER, 2005.

P.C.:

1. Rule returnable forthwith. Mr. Patil for the Respondent Nos. 2 to 5 and Mr. Palekar, AGP for the Respondent Nos. 6 & 9 appear and waive service of rule. Heard by consent.

2. The petitioner is aggrieved by the order dated 22.07.2005 passed by the Joint Charity Commissioner, Kolhapur, continuing the stay granted by that authority to the appointment of an Administrator. Undisputed facts are that the learned District Court at Sangli had by its order dated 31.05.2005, directed that the Trust should be controlled by an

Administrator. The learned District Judge has, however, left the choice of appointment of an Administrator to the Assistant Charity Commissioner. The Assistant Charity Commissioner by his order appointed one Pawar as an Administrator.

3. The respondents preferred revision against the appointment of the said Pawar on the grounds mentioned in the revision petition. That order, appointing Mr. Pawar, has been stayed. The effect is that the order of the learned District Judge, who had ordered that there should be an Administrator, but had merely left the choice of the administrator to the Assistant Charity Commissioner, has been stayed. It was contended on behalf of the respondents that the said Pawar is not competent to act as an Administrator. This is a matter that can be decided by the Joint Charity Commissioner finally. It appears that the Joint Charity Commissioner has committed an error of law apparent from the face of the order in staying the appointment of an Administrator for controlling the affairs of the Trust. No care has been taken to even appoint another interim administrator.

4. Having regard to the circumstances of the case, I am of view that interim order deserves to be

set aside. The main revision itself shall be disposed of as expeditiously as possible.

5. The learned Joint Charity Commissioner is, therefore, directed to decide the revision as early as possible and in any case not later than 30th November, 2005.

6. The Joint Charity Commissioner shall decide the revision on merit.

7. Rule is disposed of in the above terms.

DT. 26.10.05 (S.A.BOBDE,J)

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